THE HON'BLE MS JUSTICE G. ROHINI

W.P.No.18076 of 2006

Dated: 30-08-2006

Between:

Bonala Srilatha.

..Petitioner

and

The District Collector, Medak District, Office of the Collector, Medak at Sangareddy.

..Respondent.

THE HON'BLE MS JUSTICE G. ROHINI

W.P.No.18076 of 2006

ORDER:

On a complaint made by one B. Swaroopa alleging that the writ petitioner has fraudulently obtained caste certificate from the Mandal Revenue Officer, Siddipet stating that she belongs to Mudiraj community, which comes under B.C-D category, enquiry has been initiated under the provisions of the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993. It appears that in pursuance of the notice issued by the District Level Scrutiny Committee, the petitioner appeared before the Committee on certain occasions and her statement was recorded. Thereafter, the committee submitted a report stating that the community of the petitioner cannot be considered as Mudiraj B.C-D. On the basis of the same, the respondent-District Collector, Medak issued a show cause notice dated 18-07-2006 calling upon the petitioner to show cause as to why the caste certificate dated 06-06-2005 obtained by her from the Mandal Revenue Officer, Siddipet should not be cancelled.

The said notice is under challenge in this writ petition contending *inter alia* that in the enquiry conducted by the District Level Scrutiny Committee, the petitioner was not allowed to

produce the witnesses for recording the oral evidence, but insisted to produce only documentary evidence. It is stated that since the parents of the petitioner, who actually belonged to Mudiraj community, died when she was just 3 years old, and therefore she was brought up by one Venkata Ranga Rao, who belongs to Brahmin community. No documentary evidence is available to show that she belongs to Mudiraj community and therefore, it is claimed that an opportunity ought to have been given to produce the oral evidence on her behalf to substantiate her claim.

It is always open to the petitioner to make such a request before the respondent in response to the show cause notice dated 18-07-206. Admittedly, the petitioner never approached the respondent nor submitted any explanation to the show cause notice dated 18-07-2006. In the circumstances, the Writ Petition is premature and cannot be entertained.

Accordingly, the Writ Petition is disposed of granting leave and liberty to the petitioner to submit her explanation within two weeks from today raising all the objections on fact and law together with a request to allow her to produce the oral evidence in support of her claim. Any such explanation if submitted within the time prescribed above, the respondent shall consider the same and pass appropriate orders in accordance with law. No costs.

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G. ROHINI, J

Dated: 30-08-2006
Note:
Issue CC by two days.
(Bo)
sj